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Reporting Category

| Category | Subcategory | Situation | Victim/Offender Armed? | Weapon Types | Weapon Other | Weapon Recovered? | Deceased? |
|--|-------------|---------------|------------------------|--------------|--------------|-------------------|-----------|
| 05A EXCESSIVE FORCE / ON DUTY - INJURY | - | DURING ARREST | - | - | - | - | - |

row(s) 1 - 1 of 1

Log No: 1044896 Type:CR

Accused Members

| Review | Name | Status | Accused Overall Finding | Recommended Penalty | No. of Days | Date/Time Served | Created Date | Complimentary History |
|----------------------|--------------------|--------------|-------------------------|---------------------|-------------|------------------|--------------|-----------------------|
| View | Unknown | CLOSED/FINAL | NOT SUSTAINED | - | - | - | 22-APR-2011 | N/A |
| View | GONZALEZ, RAMIRO | CLOSED/FINAL | EXONERATED | - | - | - | 01-NOV-2011 | N/A |
| View | VANEK, MARC | CLOSED/FINAL | NOT SUSTAINED | - | - | - | 01-NOV-2011 | N/A |
| View | SALGADO, DAVID | CLOSED/FINAL | EXONERATED | - | - | - | 22-MAR-2013 | N/A |
| View | SILVA JR, ARMANDO | CLOSED/FINAL | NO AFFIDAVIT | - | - | - | 20-JUN-2014 | N/A |
| View | MCNICHOLS, JAMES | CLOSED/FINAL | NO AFFIDAVIT | - | - | - | 20-JUN-2014 | N/A |
| View | PEREZ, GERARDO | CLOSED/FINAL | NO AFFIDAVIT | - | - | - | 20-JUN-2014 | N/A |
| View | CAHUE, ANGEL | CLOSED/FINAL | NO AFFIDAVIT | - | - | - | 20-JUN-2014 | N/A |
| View | GARCIA, RAFAEL | CLOSED/FINAL | NO AFFIDAVIT | - | - | - | 20-JUN-2014 | N/A |
| View | CASEY, TIMOTHY | CLOSED/FINAL | NO AFFIDAVIT | - | - | - | 20-JUN-2014 | N/A |
| View | DELAROSA JR, JESUS | CLOSED/FINAL | NO AFFIDAVIT | - | - | - | 20-JUN-2014 | N/A |
| View | LEAHY, BRIAN | CLOSED/FINAL | NO AFFIDAVIT | - | - | - | 20-JUN-2014 | N/A |

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Attachments

| No. | Type | Related Person | No. of Pages | Narrative | Original in File | Entered By | Entered Date/Time | Status | Approve Content? | Approve Inclusion? |
|----------------------|------|------------------------|--------------|-----------|--------------------|-----------------|-------------------|----------|------------------|--------------------|
| View | 1 | FACE SHEET | N/A | - | - | TOUSANT, LISA | APR-22-2011 10:25 | - | - | - |
| View | 2 | CONFLICT CERTIFICATION | N/A | - | - | FAKUADE, JOSEPH | APR-26-2011 09:38 | - | - | - |
| View | 3 | CONFLICT CERTIFICATION | N/A | - | - | FLEMING, BRIAN | APR-28-2011 03:34 | - | - | - |
| View | 4 | ARREST REPORT | N/A | 5 | [REDACTED] | BROWN, DANITA | APR-28-2011 12:59 | APPROVED | - | YES |
| View | 5 | PHOTOGRAPH | N/A | 1 | MUGSHOT-[REDACTED] | BROWN, DANITA | APR-28-2011 12:59 | APPROVED | - | YES |
| View | 6 | ARREST REPORT | N/A | 5 | [REDACTED] | BROWN, DANITA | APR-28-2011 13:00 | APPROVED | - | YES |
| View | 7 | PHOTOGRAPH | N/A | 1 | [REDACTED] | BROWN, DANITA | APR-28-2011 13:00 | APPROVED | - | YES |
| View | 8 | ARREST REPORT | N/A | 5 | [REDACTED] | BROWN, DANITA | APR-28-2011 13:01 | APPROVED | - | YES |
| | 9 | | N/A | 2 | | | | APPROVED | - | YES |

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|----------------------|--|-----|---|--|-----|----------------|-------------------|------------|-----|
| View | TACTICAL RESPONSE REPORT (TRR) | | | DAVID SALGADO #16347 | | BROWN, DANITA | APR-28-2011 13:01 | | |
| View | 10 OFFICERS BATTERY REPORT | N/A | 2 | DAVID SALGADO #16347 | - | BROWN, DANITA | APR-28-2011 13:02 | APPROVED - | YES |
| View | 11 INVENTORY SHEET | N/A | 2 | E-TRACK INVENTORY ITEM INQUIRY | YES | BROWN, DANITA | APR-28-2011 13:03 | APPROVED - | YES |
| View | 12 SEARCH WARRANT | N/A | 2 | # [REDACTED] SW- [REDACTED] S.KOSTNER | - | BROWN, DANITA | APR-28-2011 13:05 | APPROVED - | YES |
| View | 13 CHICAGO POLICE DEPARTMENT EVENT QUERY | N/A | 1 | 1111101027 | - | BROWN, DANITA | APR-28-2011 13:06 | APPROVED - | YES |
| View | 14 PHOTOGRAPH | N/A | 1 | [REDACTED] S.KOSTNER | - | BROWN, DANITA | APR-28-2011 13:06 | APPROVED - | YES |
| View | 15 REPORT (OTHER) | N/A | 1 | I.P.R.A. NOTICE- [REDACTED] | - | BROWN, DANITA | APR-28-2011 13:07 | APPROVED - | YES |
| View | 16 CONSENT FOR AUDIO RECORDED INTERVIEW | N/A | 1 | [REDACTED] | - | BROWN, DANITA | APR-28-2011 13:08 | APPROVED - | YES |
| View | 17 AUDIO INTERVIEW | N/A | 1 | [REDACTED] | YES | FLEMING, BRIAN | SEP-24-2011 16:27 | APPROVED - | YES |
| View | 18 SWORN AFFIDAVIT FROM COMPLAINANT | N/A | 1 | [REDACTED] | - | BROWN, DANITA | APR-28-2011 13:13 | APPROVED - | YES |
| View | 19 PHOTO IDENTIFICATION | N/A | 1 | [REDACTED] | - | BROWN, DANITA | APR-28-2011 13:14 | APPROVED - | YES |
| View | 20 TO/FROM REPORT | N/A | 2 | OUTLINE OF DIGITAL RECORDING FOR VICTIM [REDACTED] | - | BROWN, DANITA | APR-28-2011 13:15 | APPROVED - | YES |
| View | 21 REPORT (OTHER) | N/A | 2 | Medical Records request and mail receipt. | YES | FLEMING, BRIAN | MAR-22-2013 12:39 | APPROVED - | YES |
| View | 22 REPORT (OTHER) | N/A | 1 | IPRA NOTICE ([REDACTED]) | YES | BROWN, DANITA | APR-28-2011 13:16 | APPROVED - | YES |
| View | 23 CONSENT FOR AUDIO RECORDED INTERVIEW | N/A | 1 | [REDACTED] | - | BROWN, DANITA | APR-28-2011 13:20 | APPROVED - | YES |
| View | 24 AUDIO INTERVIEW | N/A | 1 | [REDACTED] | YES | FLEMING, BRIAN | SEP-24-2011 16:28 | APPROVED - | YES |
| View | 25 SWORN AFFIDAVIT FROM COMPLAINANT | N/A | 1 | [REDACTED] | - | BROWN, DANITA | APR-28-2011 13:21 | APPROVED - | YES |
| View | 26 PHOTO IDENTIFICATION | N/A | 1 | [REDACTED] | - | BROWN, DANITA | APR-28-2011 13:21 | APPROVED - | YES |
| View | 27 REPORT (OTHER) | N/A | 2 | OUTLINE OF DIGITAL RECORDING FOR VICTIM [REDACTED] | - | BROWN, DANITA | APR-28-2011 13:22 | APPROVED - | YES |
| View | 28 CONSENT BY PATIENT TO DISCLOSURE OF INFORMATION | N/A | 1 | HOLY CROSS HOSPITAL- [REDACTED] | - | BROWN, DANITA | APR-28-2011 13:22 | APPROVED - | YES |
| View | 29 REPORT (OTHER) | N/A | 1 | IPRA NOTICE- [REDACTED] | - | BROWN, DANITA | APR-28-2011 13:23 | APPROVED - | YES |
| View | 30 CONSENT FOR AUDIO RECORDED INTERVIEW | N/A | 1 | [REDACTED] | - | BROWN, DANITA | APR-28-2011 13:24 | APPROVED - | YES |
| View | 31 AUDIO INTERVIEW | N/A | 1 | [REDACTED] | YES | FLEMING, BRIAN | SEP-24-2011 16:30 | APPROVED - | YES |
| | 32 | N/A | 1 | | - | | | APPROVED - | YES |

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|----------------------|-------------------------------------|-----|----|---|-----|--|---------------|-------------------|------------|-----|
| View | SWORN AFFIDAVIT FROM COMPLAINANT | | | | | | BROWN, DANITA | APR-28-2011 13:24 | | |
| View | 33 PHOTO IDENTIFICATION | N/A | 1 | | - | | BROWN, DANITA | APR-28-2011 13:25 | APPROVED - | YES |
| View | 34 TO/FROM REPORT | N/A | 2 | OUTLINE OF DIGITAL RECORDING FOR VICTIM | - | | BROWN, DANITA | APR-28-2011 13:25 | APPROVED - | YES |
| View | 35 TO/FROM REPORT | N/A | 1 | OBSERVATION OF INJURY AND E.T. PHOTOS | - | | BROWN, DANITA | APR-28-2011 13:26 | APPROVED - | YES |
| View | 36 ATTENDANCE AND ASSIGNMENT RECORD | N/A | 7 | UNIT 008; 21-APR-2011 | - | | BROWN, DANITA | APR-28-2011 13:35 | APPROVED - | YES |
| View | 37 REPORT (OTHER) | N/A | 1 | POD SEARCH (No PODS). | YES | | BROWN, DANITA | SEP-29-2011 10:50 | APPROVED - | YES |
| View | 38 REPORT (OTHER) | N/A | 46 | STATEMENT OF | - | | BROWN, DANITA | SEP-29-2011 10:52 | APPROVED - | YES |
| View | 39 TACTICAL RESPONSE REPORT (TRR) | N/A | 2 | Detective Marc Vanek #21728 | YES | | BROWN, DANITA | SEP-29-2011 11:02 | APPROVED - | YES |
| View | 40 TACTICAL RESPONSE REPORT (TRR) | N/A | 2 | RAMIRO GONZALEZ #2776 | - | | BROWN, DANITA | SEP-29-2011 11:03 | APPROVED - | YES |
| View | 41 OFFICERS BATTERY REPORT | N/A | 2 | RAMIRO GONZALEZ #2776 | - | | BROWN, DANITA | SEP-29-2011 11:04 | APPROVED - | YES |
| View | 42 INVENTORY SHEET | N/A | 1 | 12296790 | - | | BROWN, DANITA | SEP-29-2011 11:05 | APPROVED - | YES |
| View | 43 INVENTORY SHEET | N/A | 1 | 12296804 | - | | BROWN, DANITA | SEP-29-2011 11:04 | APPROVED - | YES |
| View | 44 INVENTORY SHEET | N/A | 1 | 12296808 | - | | BROWN, DANITA | SEP-29-2011 11:05 | APPROVED - | YES |
| View | 45 INVENTORY SHEET | N/A | 1 | 12296809 | - | | BROWN, DANITA | SEP-29-2011 11:06 | APPROVED - | YES |
| View | 46 INVENTORY SHEET | N/A | 1 | 12296826 | - | | BROWN, DANITA | SEP-29-2011 11:06 | APPROVED - | YES |
| View | 47 INVENTORY SHEET | N/A | 1 | 12296830 | - | | BROWN, DANITA | SEP-29-2011 11:06 | APPROVED - | YES |
| View | 48 INVENTORY SHEET | N/A | 1 | 12296834 | - | | BROWN, DANITA | SEP-29-2011 11:07 | APPROVED - | YES |
| View | 49 INVENTORY SHEET | N/A | 1 | 12296837 | - | | BROWN, DANITA | SEP-29-2011 11:07 | APPROVED - | YES |
| View | 50 PHOTOGRAPH | N/A | 30 | SEARCH WARRANT PHOTOS | - | | BROWN, DANITA | SEP-29-2011 11:09 | APPROVED - | YES |
| View | 51 LETTER TO WITNESS | N/A | 2 | | - | | BROWN, DANITA | SEP-29-2011 11:12 | APPROVED - | YES |
| View | 52 LETTER TO WITNESS | N/A | 2 | | - | | BROWN, DANITA | SEP-29-2011 11:13 | APPROVED - | YES |
| View | 53 REQUEST FOR PHOTOS | N/A | 1 | - | - | | BROWN, DANITA | SEP-29-2011 11:13 | APPROVED - | YES |
| View | 54 CRIME SCENE PROCESSING REPORT | N/A | 1 | 1111205546 | - | | BROWN, DANITA | SEP-29-2011 11:14 | APPROVED - | YES |
| View | 55 PHOTOGRAPH | N/A | 10 | | - | | BROWN, DANITA | SEP-29-2011 11:15 | APPROVED - | YES |
| View | 56 | N/A | 1 | 1111411898 | - | | | | APPROVED - | YES |

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|----------------------|----|--|-----|----|--|---------------|-------------------|-------------------|----------------|
| | | CRIME SCENE PROCESSING REPORT | | | | BROWN, DANITA | SEP-29-2011 11:15 | | |
| View | 57 | PHOTOGRAPH | N/A | 19 | [REDACTED] & [REDACTED] | - | BROWN, DANITA | SEP-29-2011 11:16 | APPROVED - YES |
| View | 58 | MEDICAL RECORDS | N/A | 12 | HOLY CROSS HOSPITAL - [REDACTED] | - | BROWN, DANITA | SEP-29-2011 11:17 | APPROVED - YES |
| View | 59 | MEDICAL RECORDS | N/A | 7 | HOLY CROSS HOSPITAL [REDACTED] | - | BROWN, DANITA | SEP-29-2011 11:18 | APPROVED - YES |
| View | 60 | CANVASS SHEETS | N/A | 3 | LOI: [REDACTED] S.KOSTNER | - | BROWN, DANITA | SEP-29-2011 11:19 | APPROVED - YES |
| View | 61 | REPORT (OTHER) | N/A | 2 | Summary of [REDACTED] Interview. | YES | FLEMING, BRIAN | NOV-01-2011 10:24 | APPROVED - YES |
| View | 62 | ATTEMPT TO CONTACT | N/A | 1 | Personal Visit to [REDACTED] and [REDACTED] | YES | FLEMING, BRIAN | MAR-22-2013 12:40 | APPROVED - YES |
| View | 63 | CONFLICT CERTIFICATION | N/A | 1 | Sup. [REDACTED] | YES | FLEMING, BRIAN | MAR-22-2013 12:42 | APPROVED - YES |
| View | 64 | COURT DOCUMENTS (E.G., CIVIL COMPLAINTS, BOND SLIPS) | N/A | 9 | Mainframe Printouts of [REDACTED] and [REDACTED] | YES | FLEMING, BRIAN | MAR-22-2013 14:14 | APPROVED - YES |
| View | 65 | REPORT (OTHER) | N/A | 1 | Clear Personnel Check of Officer David Salgado #16347. | YES | FLEMING, BRIAN | MAR-22-2013 14:16 | APPROVED - YES |
| View | 66 | REPORT (OTHER) | N/A | 1 | Clear Personnel Check of Officer Ramiro Gonzalez #2776. | YES | FLEMING, BRIAN | MAR-22-2013 14:17 | APPROVED - YES |
| View | 67 | REPORT (OTHER) | N/A | 1 | Clear Personnel Check of Det. Marc Vanek #21728. | YES | FLEMING, BRIAN | MAR-22-2013 14:18 | APPROVED - YES |
| View | 68 | REPORT (OTHER) | N/A | 1 | Clear Personnel Check of Officer Armando Silva Jr. #10522. | YES | FLEMING, BRIAN | MAR-22-2013 14:19 | APPROVED - YES |
| View | 69 | REPORT (OTHER) | N/A | 1 | Clear Personnel Check of James McNichols #12314. | YES | FLEMING, BRIAN | MAR-22-2013 14:20 | APPROVED - YES |
| View | 70 | REPORT (OTHER) | N/A | 1 | Clear Personnel Check of Officer Gerardo Perez #19697. | YES | FLEMING, BRIAN | MAR-22-2013 14:21 | APPROVED - YES |
| View | 71 | REPORT (OTHER) | N/A | 1 | Clear Personnel Check of Officer Angel Cahue #5005. | YES | FLEMING, BRIAN | MAR-22-2013 14:22 | APPROVED - YES |
| View | 72 | REPORT (OTHER) | N/A | 1 | Clear Personnel Check of Officer Rafael Garcia #7688. | YES | FLEMING, BRIAN | MAR-22-2013 14:23 | APPROVED - YES |
| View | 73 | REPORT (OTHER) | N/A | 1 | Clear Personnel Check of Sgt. Timothy Casey #1123. | YES | FLEMING, BRIAN | MAR-22-2013 14:24 | APPROVED - YES |
| View | 74 | REQUEST FOR INTERVIEW/STATEMENT/REPORT | N/A | 2 | Officer Gerardo Perez #19697. | YES | FLEMING, BRIAN | MAR-22-2013 14:25 | APPROVED - YES |
| View | 75 | WITNESS REPORT | N/A | 1 | Officer Perez. | YES | FLEMING, BRIAN | MAR-22-2013 14:25 | APPROVED - YES |
| View | 76 | | N/A | 2 | | YES | | | APPROVED - YES |

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| | | REQUEST FOR INTERVIEW/STATEMENT/REPORT | | | Officer James McNichols #12314 | | FLEMING, BRIAN | MAR-22-2013 14:26 | | |
| View | 77 | WITNESS REPORT | N/A | 1 | Officer McNichols. | YES | FLEMING, BRIAN | MAR-22-2013 14:27 | APPROVED - | YES |
| View | 78 | REQUEST FOR INTERVIEW/STATEMENT/REPORT | N/A | 2 | Officer Rafael Garcia #7688. | YES | FLEMING, BRIAN | MAR-22-2013 14:27 | APPROVED - | YES |
| View | 79 | WITNESS REPORT | N/A | 1 | Officer Garcia. | YES | FLEMING, BRIAN | MAR-22-2013 14:29 | APPROVED - | YES |
| View | 80 | REQUEST FOR INTERVIEW/STATEMENT/REPORT | N/A | 2 | Sgt. Timothy Casey #1123. | YES | FLEMING, BRIAN | MAR-22-2013 14:31 | APPROVED - | YES |
| View | 81 | WITNESS REPORT | N/A | 2 | Sgt. Casey. | YES | FLEMING, BRIAN | MAR-22-2013 14:32 | APPROVED - | YES |
| View | 82 | REQUEST FOR INTERVIEW/STATEMENT/REPORT | N/A | 2 | Officer Angel Cahue #5005. | YES | FLEMING, BRIAN | MAR-22-2013 14:32 | APPROVED - | YES |
| View | 83 | WITNESS REPORT | N/A | 1 | Officer Cahue. | YES | FLEMING, BRIAN | MAR-22-2013 14:33 | APPROVED - | YES |
| View | 84 | REQUEST FOR INTERVIEW/STATEMENT/REPORT | N/A | 2 | Det. Marc Vanek #21728. | YES | FLEMING, BRIAN | MAR-22-2013 14:33 | APPROVED - | YES |
| View | 85 | ADMINISTRATIVE PROCEEDINGS RIGHTS | N/A | 1 | Det. Vanek. | YES | FLEMING, BRIAN | MAR-22-2013 14:34 | APPROVED - | YES |
| View | 86 | NOTIFICATION OF CHARGES/ALLEGATIONS | N/A | 2 | Det. Vanek. | YES | FLEMING, BRIAN | MAR-22-2013 14:35 | APPROVED - | YES |
| View | 87 | WAIVER OF COUNSEL/REQUEST TO SECURE COUNSEL | N/A | 1 | Det. Vanek. | YES | FLEMING, BRIAN | MAR-22-2013 14:35 | APPROVED - | YES |
| View | 88 | ACCUSED REPORT | N/A | 2 | Det. Vanek. | YES | FLEMING, BRIAN | MAR-22-2013 14:37 | APPROVED - | YES |
| View | 89 | REQUEST FOR INTERVIEW/STATEMENT/REPORT | N/A | 2 | Officer David Salgado #16347. | YES | FLEMING, BRIAN | MAR-22-2013 14:37 | APPROVED - | YES |
| View | 90 | ADMINISTRATIVE PROCEEDINGS RIGHTS | N/A | 1 | Officer Salgado. | YES | FLEMING, BRIAN | MAR-22-2013 14:38 | APPROVED - | YES |
| View | 91 | NOTIFICATION OF CHARGES/ALLEGATIONS | N/A | 1 | Officer Salgado. | YES | FLEMING, BRIAN | MAR-22-2013 14:39 | APPROVED - | YES |
| View | 92 | WAIVER OF COUNSEL/REQUEST TO SECURE COUNSEL | N/A | 1 | Officer Salgado. | YES | FLEMING, BRIAN | MAR-22-2013 14:39 | APPROVED - | YES |
| View | 93 | ACCUSED REPORT | N/A | 2 | Officer Salgado. | YES | FLEMING, BRIAN | MAR-22-2013 14:40 | APPROVED - | YES |
| View | 94 | REQUEST FOR INTERVIEW/STATEMENT/REPORT | N/A | 2 | Officer Ramiro Gonzalez #2776. | YES | FLEMING, BRIAN | MAR-22-2013 14:42 | APPROVED - | YES |
| View | 95 | ADMINISTRATIVE PROCEEDINGS RIGHTS | N/A | 1 | Officer Gonzalez. | YES | FLEMING, BRIAN | MAR-22-2013 14:42 | APPROVED - | YES |
| View | 96 | NOTIFICATION OF CHARGES/ALLEGATIONS | N/A | 1 | Officer Gonzalez. | YES | FLEMING, BRIAN | MAR-22-2013 14:59 | APPROVED - | YES |
| View | 97 | WAIVER OF COUNSEL/REQUEST TO SECURE COUNSEL | N/A | 1 | Officer Gonzalez. | YES | FLEMING, BRIAN | MAR-22-2013 14:51 | APPROVED - | YES |
| View | 98 | ACCUSED REPORT | N/A | 2 | Officer Gonzalez. | YES | FLEMING, BRIAN | MAR-22-2013 14:53 | APPROVED - | YES |
| View | 99 | REQUEST FOR INTERVIEW/STATEMENT/REPORT | N/A | 2 | Officer Armando Silva Jr. #10522. | YES | FLEMING, BRIAN | MAR-22-2013 14:54 | APPROVED - | YES |
| View | 100 | WITNESS REPORT | N/A | 2 | Officer Silva. | YES | FLEMING, BRIAN | MAR-22-2013 14:55 | APPROVED - | YES |
| View | 101 | CONFLICT CERTIFICATION | N/A | 1 | Supervisor Sherry Daun. | YES | FLEMING, BRIAN | | APPROVED - | YES |

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|----------------------|-----|--|-----|----|------------------------------|-----|-------------------------|-------------------|----------------|
| | | | | | | | JUN-21-2014 21:14 | | |
| View | 102 | COURT DOCUMENTS (E.G., CIVIL COMPLAINTS, BOND SLIPS) | N/A | 6 | Civil Suit. | YES | CULBERSON HAYNE, ANGELA | FEB-10-2014 10:43 | APPROVED - YES |
| View | 103 | ATTENDANCE AND ASSIGNMENT RECORD | N/A | 1 | Officer Carlos Rojas #14347. | YES | FLEMING, BRIAN | JUN-21-2014 21:15 | APPROVED - YES |
| View | 104 | INVESTIGATOR CASE LOG | N/A | 3 | - | YES | FLEMING, BRIAN | JUL-01-2014 14:17 | APPROVED - YES |
| View | 105 | REPORT (OTHER) | N/A | 2 | Settlement Agreement. | YES | FLEMING, BRIAN | JUL-31-2014 10:26 | APPROVED - YES |
| View | - | SUMMARY REPORT DIGEST | N/A | 10 | - | NO | DAUN, SHERRY | JUL-31-2014 15:33 | APPROVED - YES |

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Internal Use Only

No Internal Use Only attachments available.

Print Accused Appeal Forms

No Accused Appeal forms available for this Log No.

Related Incidents **TIP** Related Incidents listed below are for reference only. These may be viewed using the related application search screens.

No Related Incidents associated with this Log No.

Status History **TIP** Every employee included in the Status History is subject to be called for legal or administrative proceedings.

| Resulting Status | Status Date/Time | Created By | Position | Employee No. | Assigned/ Detailed/ Unit | Comments |
|---|-------------------|--------------------|---------------------------------------|--------------|--------------------------------|----------|
| CLOSED/FINAL | 08-APR-2015 17:28 | MCGHEE, CYNTHIA | CLERK 3 | | 113 / - | - |
| PENDING IMPLEMENT ACTION | 15-JAN-2015 14:04 | WEEDEN, WILLIAM | DEPUTY CHIEF ADMINISTRATOR | | 113 / - | - |
| PENDING IMPLEMENT ACTION | 15-JAN-2015 14:04 | WEEDEN, WILLIAM | DEPUTY CHIEF ADMINISTRATOR | | 113 / - | - |
| PENDING C.O.P.A. COORDINATOR INCIDENT REVIEW | 03-NOV-2014 08:39 | HAZBIC, AMRA | CLERK 3 | | 113 / - | - |
| PENDING REVIEW AFTER COMMAND CHANNEL (C.O.P.A.) | 03-NOV-2014 08:36 | HAZBIC, AMRA | CLERK 3 | | 113 / - | - |
| PENDING IMPLEMENT ACTION | 10-SEP-2014 05:58 | SUSNIS, MAUREEN | SERGEANT OF POLICE | | 121 / - | - |
| PENDING COMMAND CHANNEL REVIEW | 05-SEP-2014 13:07 | WALSH, PATRICIA | DEP CHIEF | | 212 / - | - |
| PENDING COMMAND CHANNEL REVIEW | 04-SEP-2014 14:07 | MC NAUGHTON, DAVID | DEP CHIEF | | 211 / - | - |
| PENDING COMMAND CHANNEL REVIEW | 03-SEP-2014 16:30 | GODSEL, DANIEL | COMMANDER | | 022 / - | - |
| PENDING COMMAND CHANNEL REVIEW | 03-SEP-2014 10:50 | CARTER, ERIC | DEP CHIEF | | 188 / - | - |
| PENDING COMMAND CHANNEL REVIEW | 02-SEP-2014 12:41 | KENNEDY, CHRISTOPH | COMMANDER | | 193 / - | - |
| PENDING COMMAND CHANNEL REVIEW | 25-AUG-2014 21:30 | RYAN, KEVIN | COMMANDER | | 393 / - | - |
| PENDING COMMAND CHANNEL REVIEW | 20-AUG-2014 17:27 | O DONNELL, JAMES | COMMANDER | | 008 / - | - |
| PENDING COMMAND CHANNEL REVIEW | 19-AUG-2014 14:06 | PENA, MARIA | COMMANDER | | 010 / - | - |
| PENDING COMMAND CHANNEL REVIEW | 19-AUG-2014 12:36 | SKALA, JOSEPH | PO LEGAL OFF 2 | | 121 / - | - |
| PENDING ADVOCATE REVIEW | 01-AUG-2014 13:15 | DEL VALLE, NOEL | POLICE AGENT | | 121 / - | - |
| PENDING REVIEW INCIDENT (I.A.D./DISTRICT USE) | 31-JUL-2014 16:00 | MCGHEE, CYNTHIA | CLERK 3 | | 113 / - | - |
| CLOSED AT C.O.P.A. | 31-JUL-2014 15:55 | MCGHEE, CYNTHIA | CLERK 3 | | 113 / - | - |
| PENDING REVIEW INCIDENT (C.O.P.A. USE ONLY) | 31-JUL-2014 15:47 | DAUN, SHERRY | SUPERVISING INV COPA INVESTIGATOR I C | | 113 / - | - |

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|------------------------------|-------------------|-----------------|----------------------|---------|---|--|
| PENDING INVESTIGATIVE REVIEW | 31-JUL-2014 14:18 | FLEMING, BRIAN | | | | |
| PENDING INVESTIGATION | 31-JUL-2014 10:55 | DAUN, SHERRY | SUPERVISING INV COPA | 113 / - | - | |
| PENDING INVESTIGATIVE REVIEW | 31-JUL-2014 10:43 | FLEMING, BRIAN | INVESTIGATOR I COPA | 113 / - | - | |
| PENDING INVESTIGATION | 31-JUL-2014 10:01 | DAUN, SHERRY | SUPERVISING INV COPA | 113 / - | - | |
| PENDING INVESTIGATIVE REVIEW | 01-JUL-2014 16:17 | FLEMING, BRIAN | INVESTIGATOR I COPA | 113 / - | - | |
| PENDING INVESTIGATION | 26-APR-2011 09:38 | FAKUADE, JOSEPH | COOR OPERATIONS COPA | 113 / - | - | |
| PENDING ASSIGN INVESTIGATOR | 25-APR-2011 16:58 | SMITH, MARK | UNKNOWN | 113 / - | - | Type Changed from INFO to CR on 25-APR-2011 16:58 by SMITH, MARK |
| PENDING ASSIGN TEAM | 22-APR-2011 11:58 | SERIO, ALEXIS | SUPERVISING INV COPA | 113 / - | - | |
| PENDING SUPERVISOR REVIEW | 22-APR-2011 11:57 | SERIO, ALEXIS | SUPERVISING INV COPA | 113 / - | - | |
| PRELIMINARY | 22-APR-2011 11:55 | SERIO, ALEXIS | SUPERVISING INV COPA | 113 / - | - | Edit narrative |
| PENDING SUPERVISOR REVIEW | 22-APR-2011 11:46 | TOUSANT, LISA | INTAKE AIDE | 113 / - | - | |
| PRELIMINARY | 22-APR-2011 10:25 | TOUSANT, LISA | INTAKE AIDE | 113 / - | - | |

row(s) 1 - 31 of 31

Command Channel Reviewers

| Accused Name | Sequence No. | Reviewer |
|--------------------|--------------|--------------------|
| GONZALEZ, RAMIRO | 1 | PENA, MARIA |
| GONZALEZ, RAMIRO | 2 | MC NAUGHTON, DAVID |
| VANEK, MARC | 1 | KENNEDY, CHRISTOPH |
| VANEK, MARC | 2 | CARTER, ERIC |
| SALGADO, DAVID | 1 | RYAN, KEVIN |
| SALGADO, DAVID | 2 | CARTER, ERIC |
| SALGADO, DAVID | 3 | ROTI, NICHOLAS |
| SILVA JR, ARMANDO | 1 | RYAN, KEVIN |
| SILVA JR, ARMANDO | 2 | CARTER, ERIC |
| SILVA JR, ARMANDO | 3 | ROTI, NICHOLAS |
| MCNICHOLS, JAMES | 1 | KENNEDY, CHRISTOPH |
| MCNICHOLS, JAMES | 2 | CARTER, ERIC |
| MCNICHOLS, JAMES | 3 | ROTI, NICHOLAS |
| PEREZ, GERARDO | 1 | RYAN, KEVIN |
| PEREZ, GERARDO | 2 | CARTER, ERIC |
| PEREZ, GERARDO | 3 | ROTI, NICHOLAS |
| CAHUE, ANGEL | 1 | PENA, MARIA |
| CAHUE, ANGEL | 2 | MC NAUGHTON, DAVID |
| GARCIA, RAFAEL | 1 | O DONNELL, JAMES |
| GARCIA, RAFAEL | 2 | MC NAUGHTON, DAVID |
| CASEY, TIMOTHY | 1 | GODSEL, DANIEL |
| CASEY, TIMOTHY | 2 | WALSH, PATRICIA |
| DELAROSA JR, JESUS | 1 | RYAN, KEVIN |
| DELAROSA JR, JESUS | 2 | CARTER, ERIC |
| DELAROSA JR, JESUS | 3 | ROTI, NICHOLAS |
| LEAHY, BRIAN | 1 | RYAN, KEVIN |
| LEAHY, BRIAN | 2 | CARTER, ERIC |
| LEAHY, BRIAN | 3 | ROTI, NICHOLAS |

row(s) 1 - 28 of 28

SUMMARY REPORT DIGEST

CHICAGO POLICE DEPARTMENT

LOG NO
1044896TYPE
CRDATE OF REPORT
31-JUL-2014

INSTRUCTIONS: To be used in all cases that are to be classified as either EXONERATED, UNFOUNDED, NOT SUSTAINED, NO AFFIDAVIT, or in SUSTAINED cases where the Disciplinary Recommendation does not exceed Five (5) DAYS SUSPENSION.

TO: CHIEF ADMINISTRATOR, INDEPENDENT POLICE REVIEW AUTHORITY

| FROM - INVESTIGATOR'S NAME | RANK | STAR NO | EMPLOYEE NO | UNIT ASSIGNED | UNIT DETAILED |
|----------------------------|------|---------|-------------|---------------|---------------|
| FLEMING, BRIAN | 9183 | 145 | | 113 | |

REFERENCE NOS.(LIST ALL RELATED C.L., C.B., I.R., INVENTORY NOS., ETC., PERTINENT OF THIS INVESTIGATION)

| | | | | | |
|------------------|-----------------------------------|-------------|-------------------|------|-----|
| INCIDENT ADDRESS | S. KOSTNER AVE, CHICAGO, IL 60632 | DATE / TIME | 21-APR-2011 01:04 | BEAT | 815 |
|------------------|-----------------------------------|-------------|-------------------|------|-----|

ACCUSED

| NAME | RANK | STAR NO | EMP NO | UNIT ASSIGNED | UNIT DETAILED | SEX/RACE | DOB | APPOINTED DATE | ON DUTY ? | SWORN ? |
|--------------------|------|---------|--------|---------------|---------------|----------|-----|----------------|-----------|---------|
| UNKNOWN | | | | | | / | | | YES | UNK |
| GONZALEZ, RAMIRO | 9161 | 2776 | | 010 | | M / S | | 30-SEP-2002 | YES | YES |
| VANEK, MARC D | 9171 | 1426 | | 011 | | M / WHI | | 11-SEP-2000 | YES | YES |
| SALGADO, DAVID | 9161 | 16347 | | 311 | | M / S | | 25-AUG-2003 | YES | YES |
| SILVA JR, ARMANDO | 9161 | 10522 | | 311 | | M / S | | 06-SEP-1994 | YES | YES |
| MCNICHOLS, JAMES A | 9161 | 12314 | | 191 | | M / WHI | | 26-APR-2004 | YES | YES |
| PEREZ, GERARDO | 9161 | 19697 | | 311 | | M / S | | 04-NOV-1996 | YES | YES |
| CAHUE, ANGEL | 9161 | 5005 | | 010 | | M / S | | 30-SEP-2002 | YES | YES |
| GARCIA, RAFAEL S | 9161 | 7688 | | 008 | | M / S | | 05-JUL-1994 | YES | YES |
| CASEY, TIMOTHY A | 9171 | 1123 | | 311 | | M / WHI | | 01-JUL-1985 | YES | YES |
| DELAROSA JR, JESUS | 9161 | 15024 | | 313 | | M / S | | 21-FEB-2006 | YES | YES |
| LEAHY, BRIAN J | 9161 | 13624 | | 393 | | M / WHI | | 26-APR-2004 | YES | YES |

REPORTING PARTY

| NAME | ADDRESS* | CITY STATE | TELEPHONE | SEX / RACE | DOB / AGE |
|------|----------------|-------------|-----------|------------|-----------|
| | S. KOSTNER AVE | CHICAGO, IL | | M / WWH | |

VICTIMS

| NAME | ADDRESS* | CITY STATE | TELEPHONE | SEX / RACE | DOB / AGE |
|------|----------------|-------------|-----------|------------|-----------|
| | S. KOSTNER AVE | CHICAGO, IL | | F / WWH | |
| | S. KOSTNER AVE | CHICAGO, IL | | M / WWH | |
| | S. KOSTNER AVE | CHICAGO, IL | | M / WWH | |

WITNESSES

| NAME | ADDRESS* | CITY STATE | TELEPHONE | SEX / RACE | DOB / AGE |
|------|----------|------------|-----------|------------|-----------|
|------|----------|------------|-----------|------------|-----------|

* IF CPD MEMBER, LIST RANK, STAR, EMPLOYEE NOS. IN ADDRESS, PAX/BELL IN TELEPHONE BOX.

SUMMARY REPORT DIGEST

CHICAGO POLICE DEPARTMENT

LOG NO

1044896

TYPE

CR

DATE OF REPORT

31-JUL-2014

INSTRUCTIONS: To be used in all cases that are to be classified as either **EXONERATED**, **UNFOUNDED**, **NOT SUSTAINED**, **NO AFFIDAVIT**, or in **SUSTAINED** cases where the Disciplinary Recommendation does not exceed Five (5) **DAYS SUSPENSION**.

ALLEGATIONS

See Page 4


SUMMARY

See Page 4

ATTACHMENTS

| INVESTIGATIVE REPORTS - SUPPORTING ALLEGATIONS LIST ATTACHMENTS NUMBER | INVESTIGATIVE REPORTS - SUPPORTING ACCUSED MEMBERS(S) LIST ATTACHMENTS NUMBER: | PHYSICAL EVIDENCE LIST ATTACHMENTS NUMBERS: | TOTAL NUMBER OF ATTACHMENTS SUBMITTED WITH THIS FILE: |
|--|--|---|---|
| 17, 20, 24, 31, 38, 61 & 102 | 4, 6, 8-12, 39-50, 75, 77, 79, 81, 83, 88, 93, 98, 100 & 103 | 55, 57, 58 & 59 | 105 |

FINDINGS - RECOMMENDATIONS

| | |
|--|--|
| Accused: Allegation 1-6: | Detective Marc Vanek #1426 Not Sustained |
| Accused: Allegation 1: | Officer Ramiro Gonzalez #2776 Exonerated |
| Accused: Allegation 1: | Officer David Salgado #16347 Exonerated |
| Accused: Allegation 1-4: | Unknown Officers Not Sustained |
| Accused: Allegation 1: | Officers Armando Silva, Jr. #10522, James A. McNichols #12314, Gerardo Perez #19697, Angel Cahue #5005, Rafael S. Garcia #7688, Timothy A. Casey #1123, Jesus Delarosa, Jr. #15024 and Brian J. Leahy #13624 No Affidavit |
|  | |

DATE INITIATED
(Date incident was received for investigation)

26-APR-2011

DATE COMPLETED (Date of this report)

31-JUL-2014

ELAPSED TIME
(Total time expressed in days)

1192

Investigator will initiate the Command Channel Review form by
completing the Investigator's Section.

INVESTIGATOR'S SIGNATURE

ALLEGATIONS:

On 22 April 2011 at 1025 hours, the complainant [REDACTED], telephoned the Independent Police Review Authority (IPRA) and registered this complaint with Intake Aide Lisa Tousant. It is alleged that on 21 April 2011 at 0149 hours, at [REDACTED] S. Kostner Ave., **Detective Marc Vanek:**

- 1) grabbed [REDACTED] forcefully by the arm and pulled/pushed her out of her residence, causing her to fall onto the sidewalk (gangway);
- 2) slammed [REDACTED] against a wall;
- 3) pushed [REDACTED] causing her to lose her balance and strike her face (left eye) on a door handle;
- 4) struck [REDACTED] on the face and back;
- 5) pushed [REDACTED] against a wall and
- 6) told [REDACTED] to "Shut the fuck up."

It is also alleged that during the same incident, **Officers Ramiro Gonzalez and David Salgado:**

- 1) grabbed and pushed [REDACTED] against a car, causing an injury to his lip.

It is further alleged that during the same incident, **Unknown Officers**

- 1) referred to [REDACTED] as a "Stupid Lady";
- 2) stated words to the effect, "We are going to send you back to Mexico" to [REDACTED] [REDACTED] and [REDACTED];
- 3) made racial comments about Mexicans and
- 4) pointed a taser at [REDACTED]'s forehead.

It was further alleged in a Civil Complaint that **Sergeant Timothy Casey, Officers Armando Silva, James McNichols, Gerardo Perez, Angel Cahue, Rafael Garcia, Jesus Delarosa and Brian Leahy:**¹

- 1) failed to intervene to prevent excessive force against [REDACTED], [REDACTED] and [REDACTED]

¹ These officers were initially identified as witnesses and provided witness reports about the incident. Subsequently, the civil suit was filed with the above allegations against these officers. Based on the totality of the circumstances and evidence obtained, IPRA did not attempt to obtain an affidavit in support of these allegations. The Civil Suit also named an "Officer Rojas" as an accused, but did not provide an accurate star number for him.

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INVESTIGATION:

In an interview with IPRA, the victim [REDACTED], related that during an execution of a search warrant at her house, an officer now known as Det. Vanek, grabbed her forcefully by the arm and pulled/pushed her out of her residence, causing her to fall onto the sidewalk (gangway). Det. Vanek then pressed his knee onto her thigh and stomach areas, pulled her up and slammed her against a wall. He then pushed her again, causing her to lose her balance and strike her face (left eye) onto a door handle. Mrs. [REDACTED]'s husband, [REDACTED], tried to help her when officers, now known as Ramiro Gonzalez and David Salgado, grabbed and pushed him against a car, causing Mr. [REDACTED] to injure his lip. Mr. [REDACTED] stated that unknown officers pointed a taser at her head, referred to her as a "Stupid Lady," and stated words to the effect of, "We are going to send you all back to Mexico." Mr. [REDACTED] and Mrs. [REDACTED], along with their son [REDACTED] were arrested. Mrs. [REDACTED] related that she sustained a bloodshot left eye, bruising and swelling to her left eye, bruises to her right thigh, swelling to her left hand and soreness about her head and body. Mrs. [REDACTED] was treated at Holy Cross Hospital. She added that [REDACTED] and [REDACTED] were witnesses to the incident. (Atts. 17 & 20).

In an interview with IPRA, the victim [REDACTED] stated that during the execution of a search warrant at his residence, he and his wife, [REDACTED], were ordered to come out of the house bare feet. Mr. [REDACTED] related that Mrs. [REDACTED] was then pushed outside of the house by an officer, now known as Detective Vanek. Mrs. [REDACTED] attempted to get up and Mr. [REDACTED] went to help her. Mr. [REDACTED] said at that time, officers, now known as Ramiro Gonzalez and David Salgado, grabbed and threw him against a vehicle, causing an injury to his lower lip. [REDACTED] was taken to the bathroom inside his house to get cleaned up. [REDACTED] stated that he did not witness any other mistreatment to [REDACTED] but he did hear her screaming. He added that he did not know how [REDACTED] sustained an injury to her eye. Mr. [REDACTED] further added that the officers were looking for his stepson, [REDACTED] and showed him a photo of [REDACTED] standing near a gun. Mr. [REDACTED] related that his stepson, [REDACTED] was inside the house but he did not believe Mr. [REDACTED] witnessed the officers' interaction with Mr. [REDACTED]. Mr. [REDACTED] was arrested and taken to Holy Cross Hospital for medical treatment to his lip and a bruise to his left arm. (Atts. 24 & 61).

In an interview with IPRA, the victim [REDACTED] stated that he heard the police knocking at his front door and ringing the doorbell. Mr. [REDACTED] went to the front door but could not open it so he opened the back door. The officers told Mr. [REDACTED] to step out of the doorway. Mr. [REDACTED] asked if they had a search warrant. The officers told him that they did not have time to show him the warrant and ordered him to put his hands on top of his head. Mr. [REDACTED] did and was placed against a wall outside the house. The officers then asked his name and questioned him about his brother [REDACTED].

As Mr. [REDACTED] is being questioned, other officers were asking Mr. [REDACTED] mother and stepfather, [REDACTED] and [REDACTED], "to please get out of the house."²

² Att. 38, page 7, line 10.

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Mr. [REDACTED] responded by asking if they had a warrant. The officers told him they had a warrant but could not show it to them yet. Mrs. [REDACTED] told the officers she was breastfeeding and asked if she could get her shoes. Mr. [REDACTED] was told no and as she was walking down the steps, one of the officers, now known as Det. Vanek, grabbed her by the arm and pulled her from the house. Mrs. [REDACTED] tripped, fell forward and struck her knee. Mr. [REDACTED] said Mr. [REDACTED] was crying and he attempted to help her, but Det. Vanek struck him on the face and back, threw him back against the wall, and told him to "shut the fuck up."³ Mr. [REDACTED] said Det. Vanek "was pressing on, like, her stomach or her knee."⁴ Mr. [REDACTED] told Det. Vanek that Mrs. [REDACTED] recently had surgery and a baby. Det. Vanek told him to calm down and to tell Mrs. [REDACTED] to calm down as another unknown officer held a taser to Mrs. [REDACTED]'s forehead. Mr. [REDACTED] told the officers "not to be doing that" and walked towards Mrs. [REDACTED] when officers grabbed and pushed him onto a car, causing an injury to his lip.⁵

Mr. [REDACTED] was taken inside the residence's dining room and Mr. [REDACTED] was taken to the bathroom. As he was being escorted to the dining room, he heard his mother scream and she told the officer not to push her; Mr. [REDACTED] then heard a noise. Mr. [REDACTED] stated that when his mother was brought into the dining room, he observed her eye bleeding. Mrs. [REDACTED] told him that Det. Vanek pushed her and caused her to hit her eye on a door handle. While he was seated in the dining room, Mr. [REDACTED] also heard an unknown officer state that he was going to arrest Mr. [REDACTED] and send him back to Mexico. Mr. [REDACTED] related that he reported what he heard to an unknown officer and was told, "That's stupid 'cause I'm Mexican too."⁶ He then heard other officers stating that they were Mexican and that there was no discrimination. Mr. [REDACTED] added that the officers searched the house, took [REDACTED]'s police report and identification card, and arrested him and his parents. (Atts. 31 & 38).

The attempts to contact the witnesses [REDACTED] and [REDACTED] were unsuccessful. (Atts. 51, 52 & 62).

A canvass produced no additional witnesses or information. (Att. 60).

The **Department Reports (Arrest Reports, Tactical Response Reports, Officer Battery Reports, Inventory Reports and Search Warrant)** documented that during the execution of Search Warrant #11SW5686 (Firearms Ammunition, [REDACTED], [REDACTED] [REDACTED] and [REDACTED] blocked the side stairwell entrance to their house with their bodies and refused to follow verbal commands given in English and Spanish. Officers removed Mr. and Mrs. [REDACTED] using arm bar and wristlock techniques. Mr. [REDACTED] continued to ignore the officers and began to flail her arms and refused to be handcuffed, causing officers to use an emergency takedown technique. Mrs. [REDACTED] sustained a small cut to her eyelid during her arrest. Mr. [REDACTED] took a fighting stance and attempted to strike Officers Salgado and Gonzalez with closed hand fists. The

³ Id., page 31, line 9.

⁴ Id., 38, page 18, lines 18-19.

⁵ Id., page 23, lines 10-11.

⁶ Id., page 13, lines 3-4.

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officers performed an emergency takedown on Mr. [REDACTED] resulting in him striking the hood of a parked car and cutting his lower lip. Mr. [REDACTED] and Mrs. [REDACTED] were arrested and taken to Holy Cross Hospital for treatment. Mrs. [REDACTED] and Mr. [REDACTED] were charged with Resisting and Mr. [REDACTED] was charged with Resisting and Aggravated Assault on Police Officers.⁷ [REDACTED]'s mail and identification card, jewelry and a wallet were among the items inventoried and photographed as apart of the search warrant packet. (Atts. 4, 6, 8-12 & 39-50).

The **Evidence Technician Photos** depicted redness and swelling to Mrs. [REDACTED]'s left eye and bruising to her right waist as well as a cut to Mr. [REDACTED]'s lower lip. (Atts. 55 & 57).

The **Medical Records** from Holy Cross Hospital reported that [REDACTED] informed hospital personnel that officers came to her door with a warrant for her son. The officers told her to come outside and she refused. The officers dragged her from the house, causing her to hit her left eye on a door. Mrs. [REDACTED] was diagnosed and treated for Left Periorbital soft tissue swelling and subcutaneous emphysema. [REDACTED] was treated for a laceration to his bottom lip. (Atts. 58 & 59).

[REDACTED], [REDACTED] and [REDACTED] filed **Civil Suit #13-CV-** [REDACTED] against the Chicago Police Department. They received an agreed upon judgment in their favor. (Atts. 102, 105).

In **To/From Subject Reports**, **Officers Perez and McNichols** stated that they did not recall having physical or verbal contact with Mr. and Mrs. [REDACTED] or M [REDACTED]. The officers did not observe any officer verbally or physically abuse any of the complainants. (Atts. 75 & 77).

In a **To/From Subject Report Sergeant Casey** related that he was the Search Team Supervisor and did not have any physical contact with the complainants. Sgt. Casey said that he attempted to speak with Mr. and Mrs. [REDACTED] to calm them down but their limited English made the communication difficult. Sgt. Casey spoke with [REDACTED] and explained why the officers were at the residence and asked him questions relative to the warrant.

Sgt. Casey related that he did observe Officers Salgado and Gonzalez perform an emergency take down on Mr. [REDACTED] after he became combative and took a fighting stance against the officers as Mrs. [REDACTED] was being placed in handcuffs. Sgt. Casey related that Mr. [REDACTED] struck a parked car and sustained a cut to his lower lip during the takedown. He added that he observed Det. Vanek attempt to gain entry into the residence but was blocked by Mrs. [REDACTED]. After Mrs. [REDACTED] ignored verbal commands that were given in English and Spanish, Det. Vanek used arm bar and wrist lock techniques to remove her from the residence. Sgt. Casey stated that Mrs. [REDACTED] was "observed coming down the stairs but went limp falling down and striking the entry door handle on her way down." Sgt. Casey said that Mrs. [REDACTED] sustained a small cut to the left

⁷ The charges against Mr. and Mrs. [REDACTED] and Mr. [REDACTED] were dismissed. (Att. 64).

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eyebrow area and immediately began to resist Det. Vank before she was placed in handcuffs.

Sgt. Casey stated that Det. Vanek did not strike Mr. [REDACTED] or state "Shut the fuck up" to him. He added that he, nor any officer at the scene, did not refer to Mrs. [REDACTED] as a "Stupid Lady" or make any racial comments. He further added that at no time during the incident did any officer physically or verbally maltreat the complainants. (Att. 81).

In **To/From Subject Reports Officers Garcia, Cahue and Silva** related essentially the same account as Sgt. Casey. The officers added that they did not have any physical contact with the complainants and that they did not observe any officer physically or verbally mistreat them. Officer Garcia related that the verbal contact he had with the complainants pertained to "identifiers and explanation of arrest procedures." Officer Cahue further added that during the incident, he had to "squeeze by [REDACTED] in order to clear the first floor." (Atts. 79, 83 & 100).

In a **To/From Subject Report Det. Vanek** related that while assisting with the execution of the search warrant, he observed [REDACTED] standing in the stairwell entrance with both arms braced against the stairwell physically refusing to allow officers to enter the residence. Det. Vanek gave Mr. [REDACTED] verbal direction in English several times to exit the residence as other officers on the scene gave her the directives in Spanish.

Det. Vanek related that because of the nature of the search warrant, and Mrs. [REDACTED]'s refusing to allow officers inside the residence, he performed a wristlock and arm bar on her. While attempting to remove Mrs. [REDACTED] from the stairwell, she became limp and began to fall to the ground, losing her balance and striking the left side of her face on a door handle. Det. Vanek stated that Mrs. [REDACTED] continued to resist and began to stand up when he performed an emergency takedown. Mrs. [REDACTED] continued to flail her arms and refused to be handcuffed.

Det. Vanek stated that he only had contact with Mrs. [REDACTED] and had no contact with [REDACTED]. He added that he did not commit any of the alleged acts and did not observe any officers commit any of the alleged misconduct. (Att. 88).

In a **To/From Subject Report Officer Salgado** related that upon arriving at the [REDACTED] residence to serve a warrant, he observed [REDACTED] in the front of the residence. When Mr. [REDACTED] saw the officers, he ran inside of the house using a side door. The officers announced their office, knocked on the door and Mr. [REDACTED] answered. Mr. [REDACTED] was informed that they were there to serve a warrant and was given verbal directions in English and Spanish to exit the residence; Mr. [REDACTED] refused and was arrested for obstruction.

Officer Salgado related that as they attempted to walk up the steps leading to the main floor of the residence, [REDACTED] was standing in the stairwell. Mrs. [REDACTED]

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was given verbal directions in English and Spanish to move but she refused and placed her arms against the wall, physically bracing herself in the stairwell and not allowing the officers to pass. Officer Salgado related that because of the nature of the warrant, and for officer safety, Mrs. [REDACTED] was physically removed using arm bar and wrist lock techniques.

Officer Salgado stated that [REDACTED] was also at the top of the stairwell. Mr. [REDACTED] was given directions in English and Spanish to exit the residence but he refused. Mr. [REDACTED] was taken outside to be taken into custody. While outside, Mr. [REDACTED] positioned himself in a fighting stance and used closed fists to strike Officers Salgado and Gonzalez. Officer Salgado performed an emergency take down to effect Mr. [REDACTED]'s arrest. Officer Salgado stated that he used escort holds and performed an emergency take down to handcuff Mr. [REDACTED]. During the takedown, Mr. [REDACTED] sustained a minor cut on his lower lip by striking the trunk of a parked vehicle that was parked in the driveway. Officer Salgado added that at no time during the incident did he observe any officer making racial comments. (Att. 93).

In a **To/From Subject Report Officer Gonzalez** related essentially the same account as Officer Salgado. Officer Gonzalez added that he did not observe any officer committing the alleged misconduct or physically or verbally abusing the complainants. (Att. 98).

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CONCLUSION:

The Reporting Investigator recommends a finding of **Not Sustained** for **Allegations #1-6** against **Det. Vanek**, that he grabbed [REDACTED] forcefully by the arm and pulled/pushed her out of her residence causing her to fall on the sidewalk (gangway), slammed [REDACTED] against a wall, pushed [REDACTED] causing her to lose her balance and strike her face (left eye) on a door handle, struck [REDACTED] on the face and back, pushed Mr. [REDACTED] against a wall and told Mr. [REDACTED] to "Shut the fuck up." There is no dispute that Mrs. [REDACTED] was injured during her arrest. However, the point in which she obtained her injuries and how she received them remains unclear. Mrs. [REDACTED]'s account of how she was injured conflicts with that of Det. Vanek and the other Department Members on the scene, who all related that the alleged misconduct did not happen. Also, Mr. [REDACTED] and Mr. [REDACTED] did not know how Mrs. [REDACTED]'s eye was injured and the witnesses [REDACTED] and [REDACTED] did not cooperate with this investigation. Furthermore, Det. Vanek denied committing all of the alleged acts and the officers at the scene denied observing Det. Vanek maltreating anyone. The officers at the scene further added that they did not observe any officer physically or verbally abuse the complainants. Without any additional witnesses or independent information, there is insufficient evidence to prove or disprove the allegations.

The Reporting Investigator recommends a finding of **Exonerated** for **Allegation #1** against **Officers Salgado and Gonzalez** that they grabbed and pushed [REDACTED] against a vehicle causing an injury to his lip. Mr. [REDACTED] description of Mr. [REDACTED] actions identify him as resisting the police; Mr. [REDACTED] admitted that his interference with Mrs. [REDACTED]'s arrest resulted in his physical contact with Officers Salgado and Gonzalez. Officers Salgado and Gonzalez's actions, as described by Mr. [REDACTED] and Mr. [REDACTED] do not describe misconduct, but show that Mr. [REDACTED]'s injury occurred when the officers used reasonable and necessary force to take Mr. [REDACTED] into custody.

The Reporting Investigator recommends a finding of **Not Sustained** for **Allegations #1-4** against **Unknown Officers** in that they referred to [REDACTED] as a "Stupid Lady," stated words to the effect, "We are going to send you back to Mexico" to [REDACTED], [REDACTED] and [REDACTED] made racial comments about Mexicans and pointed a taser at [REDACTED] head. The witnesses [REDACTED] and [REDACTED] did not cooperate with this investigation and officers at the scene denied observing the alleged acts. Without any additional witnesses or independent information, there is insufficient evidence to prove or disprove the allegations.

The Reporting Investigator recommends a finding of **No Affidavit** for **Allegation #1** that **Sergeant Timothy Casey, Officers Armando Silva, James McNichols, Gerardo Perez, Angel Cahue, Rafael Garcia, Jesus Delarosa and Brian Leahy** failed to intervene to prevent excessive force against [REDACTED] [REDACTED] and [REDACTED]